



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICULKA et al.

Serial No.: 10/644,592

Filed: August 19, 2003

For: PENTOPYRANOSYLNUCLEOSIDE,
ITS PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b),
that is (1) within three months of the filing date of the application, which is not a continued

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

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August 27, 2004
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IR1:1057574.1

Cynthia B. Pacheco
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prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

In accordance with § 1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application Serial No. 09/509,058, filed on July 27, 2000, by MICULKA, Christian et al., for which a claim for priority has been made in the instant application. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 27, 2004

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 4

Complete if Known

Application Number	10/644,592
Filing Date	August 19, 2003
First Named Inventor	Miculka et al.
Group Art Unit	1623
Examiner Name	Not yet assigned
Attorney Docket Number	612,406-035

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AA	5,885,972 A		Weis	03/1999	
	AB	5,874,553 A		Peyman	02/1999	
	AC	5,849,482 A		Meyer, Jr.	12/1998	
	AD	5,780,607 A		Goodnow	07/1998	
	AE	5,608,043 A		Wirth	03/1997	
	AF	5,602,262 A		Wirth	02/1997	
	AG	5,559,222 A		Wirth	09/1996	
	AH	5,349,203 A		Hanazato et al.	09/1994	
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	AK	4,952,566 A		Sakamaki	08/1990	
	AL	4,918,056 A		Bobek	04/1990	
	AM	4,885,211 A		Tang et al.	12/1989	
	AN	4,777,019 A		Dandekar	10/1988	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	AO	DE	3513168	A1		10/1986		
	AP	DE	19741715	A1		09/1997		
	AQ	EP	0491059	A1		10/1993		
	AR	EP	0739898	A2		10/1996		
	AS	GB	2266182	A		10/1993		
	AT	JP	57-146796			03/1983		
	BA	JP	10-306907	A		11/1998		
	BB	WO	94/20589	A2		09/1994		
	BC	WO	95/21184	A2		08/1995		
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	BI	WO	99/15539	A3		04/1999		
	BJ	WO	01/13126	A1		02/2001		

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		Filing Date	August 19, 2003		
		First Named Inventor	Miculka et al.		
		Group Art Unit	1623		
		Examiner Name	Not yet assigned		
Sheet	2	of	4	Attorney Docket Number	612,406-035

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume–issue number(s), publisher, city and/or country where published.	T ²
	BK	ADACHI, Chihaya, et al. "Durability Characteristics of Aminopyrene Dimer Molecules as an Emitter in Organic Multilayered Electroluminescent Diodes." Jpn. J. Appl. Phys. 35: 4819-25 (Sep., 1996). , 35	
	BL	BOLLI et al., "131. Pyranosyl-RNA: Further Observations on Replication," <i>Helvetica Chimica Acta</i> , 80(6), 1901-1951 (Sep. 22, 1996).*, <i>Helvetica Chimica Acta</i> , 80	
	BM	DeCLERQ et al., "Effects of E-5-(2-bromovinyl)-2'-deoxyuridine and Other Selective Antiherpes Compounds on the Induction of Retroviral Particles in Mouse BALB-3T3 Cells," <i>Molecular Pharmacology</i> , 19(1), 122-129 (1981); , <i>Chem. Abstracts</i> , 94(17), p. 36, Abstr. No. 132,049y (Apr. 27, 1981).*, <i>Molecular PharmacologyChem. Abstracts</i>	
	BN	DOBOSZEWSKI et al., "Synthesis of 3'-Deoxy-3'-C-Hydroxymethyl- aldopyranosyl Nucleosides and their Incorporation in Oligonucleotides. Part II," <i>Tetrahedron</i> , 51(45), 12319-12336 (1995).*, <i>Tetrahedron</i> , 51	
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	BP	DOUKI et al., "Measurement of Pyrimidine (6-4) Photoproducts in DNA by a Mild Acidic Hydrolysis-HPLC Fluorescence Detection Assay," <i>Chemical Research in Toxicology</i> , 8(2), 244-253 (Mar. 1995).*, <i>Chemical Research in Toxicology</i> , 8	
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	BR	KELLEY et al., "Furanose-Pyranose Isomerization of Reduced Pyrimidine and Cyclic Urea Ribosides," <i>Journal of Medicinal Chemistry</i> , 29(11), 2351-2358 (Nov. 1986).*, <i>Journal of Medicinal Chemistry</i> , 29	
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			Filing Date	August 19, 2003	
			First Named Inventor	Miculka et al.	
			Group Art Unit	1623	
			Examiner Name	Not yet assigned	
Sheet	3	of	4	Attorney Docket Number	612,406-035

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume–issue number(s), publisher, city and/or country where published.	T ²
	BW	ADAMS, David R., et al. "Preparation and Anti-HIV activity of N-3- Substituted Thymidine Nucleoside Analogs." J. Med. Chem. 40: 1550-58 (1997); Abstract published Apr. 1, 1997. , 40	
	BX	CADET, J. <i>Tetrahedron Letters</i> 11: 867-70 (1974). , <i>Tetrahedron Letters</i> 11	
	BY	EDWARDS, Christine, et al. "Synthesis of 2-substituted 2'-deoxyguanosines and 6-O-allylguanines via activation C-2 by a trifluoromethanesulfonate group." J. Chem. Soc., Perkins Trans. 1: 1887-93 (1997).	
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	CH	TORRENCE, Pail F., et al. "5-O-Alkylated Derivatives of 5-Hydroxy-2'- deoxyuridine as Potential Antiviral Agents: Anti-Herpes Activity of 5- Propynyloxy-2'-deoxyuridine." <i>J. Med. Chem.</i> 21(2):228-31 (1978). , <i>J. Med. Chem</i>	
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Sheet 4 of 4

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	CJ	HANAZATO, Yoshio, et al. "Integrated Multi-Biosensors Based on an Ion- Sensitive Field-Effect Transistor Using Photolithographic Techniques." IEEE Transactions on Electron Devices 36(7): 1303-09 (1989); Jul., 1989.	
	CK	HOLY, A. "Preparation of Acyl Derivatives of Pyrimidin-2-one Nucleosides by the Silyl Variant of the Hilbert-Johnson Reaction." Collection Czechoslov. Chem. Commun. 42: 902-08 (1977).	
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